



BEFORE THE
 GUAM CIVIL SERVICE COMMISSION
 BOARD OF COMMISSIONERS



IN THE MATTER OF:
 STEFAN APRIL,
 Employee,
 vs.
 DEPARTMENT OF PARKS AND
 RECREATION,
 Management.

ADVERSE ACTION APPEAL
 CASE NO.: 19-AA05T

JUDGMENT OF DISMISSAL



This matter came before the Civil Service Commission (CSC) on June 18, 2020, regarding Management’s Motion to Dismiss Employee’s Appeal for Failure to Prosecute and Alternatively, for Management’s Motions/Petition for Declaratory Rulings.

Present at the hearing for Management was Assistant Attorney General Donna Lawrence and Deputy Director Victor Villagomez. Employee was not present.

Commissioners present at the hearing were Chairman Juan K. Calvo, Vice-Chairman John Smith, Commissioner Priscilla T. Tuncap, Commissioner Anthony Benavente, and Commissioner Emilia Rice.

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Jurisdiction

CSC has jurisdiction to hear adverse action appeals filed by classified employees under 4 GCA § 4403-44 (b) involving suspensions, demotions and terminations of classified employees.

Background/Facts

Management terminated Employee effective August 27, 2019, pursuant to a Notice of Final Adverse Action served on Employee. Employee, a classified employee, filed an adverse action appeal with the Commission on October 16, 2019, regarding his termination.

Since the filing of his appeal, Employee has not obtained counsel or a representative despite being given time to do so, and has failed to pursue his appeal.

Employee failed to attend all scheduled conferences and has failed to communicate with Management and the Civil Service Commission staff after the filing of his appeal. Employee failed to submit or participate in the submission of a Case Management Statement.

Employee was present at a status conference in January 2020, where Management requested to file a motion to dismiss his appeal. At that status conference, Employee was advised of the motion filing and response deadlines and the date of the motion hearing.

Employee was served with Management's Motion to Dismiss this action on February 18, 2020. Employee did not file any opposition to Management's motion and failed to attend the scheduled motion hearing on June 18, 2020, at 5:45 pm.

DECISION AND ORDER

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1 Civil Service Commission case manager advised the Commission at the hearing on
2 June 18, 2020, that she had left messages for Employee and also with his sister, and that
3 she did not receive a response after he attended the last status conference in this case.

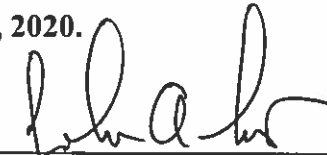
4 There was no notice by Employee to either CSC staff or to Management prior to
5 the motion hearing requesting any continuance of the hearing.

6 ***Ruling by Commissioners***

7 After review of the file and hearing the arguments, and information submitted as
8 referenced above, the Commissioners voted 5-0 to dismiss Employee's adverse action
9 appeal with prejudice.

10 **SO ORDERED** this 30th day of June, 2020.

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12 **JUAN K. CALVO**
13 Chairman


14 **JOHN SMITH**
15 Vice Chairman

16 (absent)
17 **PRISCILLA T. TUNCAP**
18 Commissioner


19 **EMILIA F. RICE**
20 Commissioner


21 **ANTHONY P. BENAVENTE**
22 Commissioner

23 **DECISION AND ORDER**

24 *Stephan April vs. Department of Parks and Recreation*
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